

SII Candidate Policy 5: Inappropriate Candidate Behaviour Policy (misconduct)

This policy relates to inappropriate candidate behaviour before, during and after an examination

5.1 Definition of inappropriate candidate behaviour

Inappropriate behaviour is any behaviour deemed to compromise the smooth delivery or undermine the integrity of an examination.

Inappropriate behaviour (before, during or after the examination) includes, but is not confined to the following.

- Talking to, copying from, or in any way colluding with, another candidate in the examination room;
- Possessing unauthorised material (books, notes, documents etc.) in the examination room;
- Removing unauthorised material from the examination room (question papers, answer books, scrap paper etc.);
- Failing to abide by the instructions of an invigilator;
- Failing to adhere to the SII examination regulations;
- Impersonating another candidate for the examination;
- Disruptive and / or aggressive or abusive behaviour;
- Altering or creating result documents including certificates;
- Acting in any way, either intentionally or otherwise, that compromises or threatens to compromise the integrity of any examination;
- Failure to report to the invigilator any clearly observed instances or suspicions of cheating by any other candidate;
- Refusal to comply with a reasonable request to empty pockets.

5.2 In the event that inappropriate behaviour is suspected

The presumption is that the candidate is innocent unless appropriate evidence and due process shows the candidate has demonstrated inappropriate behaviour. Examination invigilators carry out careful monitoring and observation throughout each examination. Candidate behaviour considered to be suspect or inappropriate is recorded and logged during the exam for subsequent investigation. In the case of abusive or disruptive behaviour the examination may be terminated and the candidate escorted from the premises.

5.3 Investigation

- 5.3.1 The SII requires its invigilators to complete a report detailing the inappropriate behaviour, action taken and candidate's response. A warning will be given to the candidate that the episode will be reported to the SII.

- 5.3.2 If the SII considers that there is substantive evidence an investigation will commence.
- 5.3.3 A letter will be sent to the candidate setting out the evidence and requesting a response. The candidate will be allowed two weeks to respond to the letter. Candidates who fail to respond to the SII's initial letter will receive a further letter advising them that unless they respond within one week, they will not receive their examination results and the SII will conclude its investigation.
- 5.3.4 Examination results will not be released to a candidate under investigation and they will also not be allowed to book onto any further examinations until the conclusion of the investigation.
- 5.3.5 Once the SII has concluded its investigations, the candidate will receive the outcome in writing.
- 5.3.6 Where it is deemed the candidate has been unco-operative in the investigations conducted by the SII, the SII will conclude its investigations on this basis and the candidate will receive the outcome in writing.
- 5.3.7 A refusal to comply with a reasonable request to empty pockets will be seen as a failure to co-operate; in this instance the candidate's examination result will be invalidated. The candidate will receive written notification.
- 5.3.8 Where it is established that a candidate has behaved inappropriately, the SII reserves the right to contact the candidate's employer and / or the FSA, if appropriate upon conclusion of its investigation.
- 5.3.9 The candidate will have the right to appeal.

5.4 SII's response / penalties

In the event that the inappropriate behaviour is substantiated, the following penalties may be implemented:

- Issue of a warning.
- Imposition of special conditions for any subsequent sittings of the same or different examinations at a cost to the candidate.
- Invalidation of the result for the examination.
- Suspension of the candidate from sitting any examination for a set period of time.
- Suspension or removal of SII membership status.

5.5 Formal appeal

Candidates who have been through the misconduct investigation process but are dissatisfied with the process have the right of formal appeal on the following grounds only:

- The candidate is able to submit substantive additional information not submitted at the time of the query process, which is pertinent to the query.
- The candidate has evidence that the assessment and query process has not been followed correctly by the SII.

Appeals will only be considered:

- If the appeal request is submitted within two weeks of receipt of the misconduct investigation outcome response.

5.6 Submitting an Appeal

Appeals must be submitted by letter detailing the candidate's case together with a cheque for £50. This £50 appeal fee will be reimbursed in the event that the appeal is upheld. Appeals should be addressed directly to the SII Assistant Director of Qualifications. Appeals will be acknowledged within five working days by post. If you do not receive a response within five working days, please contact the SII to ensure your appeal has been received

5.7 Appeal process and outcome

If an appeal is granted on the grounds stated in 5.5 a panel, including at least one member who is independent of the SII, will be convened. This appeal panel will meet within four weeks of receipt of the candidate's appeal submission. A letter explaining the outcome of the appeal and any appropriate action will be delivered within two weeks after the panel has convened.

5.8 Independent review

If the candidate remains dissatisfied with the appeals process, a final independent review of the process maybe instigated. This will be undertaken by an independent reviewer.